

APPENDIX C

POLICY ON SCHOLARLY MISCONDUCT

Draft to be shared with Joint Committee – see Article 24

I. Preamble

~~— Early in 1994, the Medical Research Council (MRC), the Natural Sciences and Engineering Research Council (NSERC), and the Social Sciences and Humanities Research Council (SSHRC), in collaboration produced a tri-council policy statement on Integrity in Research and Scholarship. Those involved in research supported by these councils must comply with the tri-council policy statement (copies of which are available from the Office of Research and Graduate Studies). One aspect of the policy is that any institution which receives grants from any of the Councils is required to promote integrity in research and scholarship, and to have in place, by June 1995, procedures for investigating allegations of misconduct in research and scholarship.~~

II. Scholarly Misconduct

~~— Trent University will take allegations of scholarly misconduct seriously and, as quickly as practicable, will determine their validity and take appropriate action. The University recognizes, however, that not all actions that fail to meet the highest standards of scholarship constitute scholarly misconduct. Scholarly misconduct involves actions or omissions constituting deception, gross negligence, or reckless conduct, and even such misconduct has degrees of seriousness. Factors intrinsic to the process of scholarly research such as honest error, conflicting data, differences in interpretation or judgment of data or experimental design, or professional differences concerning appropriate protocols or practices, do not, in themselves, constitute scholarly misconduct.~~

~~— "Scholarly misconduct" in research and scholarship means:~~

- ~~— (a) fabrication, falsification, or plagiarism;~~
- ~~— (b) taking unfair advantage of one's access to the work or data of others (for example as a supervisor or peer reviewer), including deliberate damage;~~
- ~~— (c) material non-compliance with federal or provincial statutes or regulations, or with University regulations for the protection of researchers, human subjects or the public or for the welfare of laboratory animals, or material failure to meet other reasonable legal and contractual requirements that relate to the conduct of research;~~

- ~~— (d) failure to reveal any material conflict of interest to those who commission reviews of research grant applications or manuscripts, or testing of products for sale or distribution to the public;~~
- ~~— (e) failure to reveal to the University any material financial interest in a corporation or other entity that contracts with the University to undertake research, particularly research involving the corporation's or other entity's products. Material financial interest includes ownership, substantial stock-holding, directorship, and significant honoraria or consulting fees, but does not include small stock holding in a large, publicly traded company.~~

~~III. Procedures~~

- ~~— The following procedures are intended to address scholarly misconduct on the part of anyone involved in research within the University. They apply to all faculty, professional librarians and staff, and to undergraduate and graduate students insofar as they are involved in funded research. They do not limit the rights of persons whose terms and conditions of employment are governed by a collective agreement. Members of the University community are encouraged to resolve misunderstandings or disputes among themselves or with informal assistance of the Dean of Research and Graduate Studies or the Dean of Arts and Science.~~
- ~~— 1. A formal allegation of scholarly misconduct must be written, dated and signed, and directed to the Dean of Research and Graduate Studies within one month of the evidence on which it is based becoming known. The written allegation must include all pertinent details and supporting evidence. When the Dean of Arts and Science or Dean of Research and Graduate Studies is named in an allegation, the President or a designate shall replace the Dean of Arts and Science or Dean of Research and Graduate Studies wherever they have a role in these procedures.~~
- ~~— 2. Upon receiving or making a formal allegation, the Dean of Research and Graduate Studies shall notify the person named in the allegation. The Dean of Research and Graduate Studies shall endeavour to clear up misunderstandings and to mediate disputes where possible, maintaining the highest degree of confidentiality so as to protect the reputations and careers of all involved. The Dean of Research and Graduate Studies shall form a judgment as to whether the allegation should proceed to a formal investigation.~~
- ~~— 3. If the Dean of Research and Graduate Studies judges that the allegation should not proceed to a formal investigation, the person named in the allegation, as well as the person making it, shall be advised that the matter is at an end. The file is destroyed.~~

- ~~4. If the Dean of Research and Graduate Studies judges that the allegation should proceed to a formal investigation, the person named shall be so informed, promptly and in writing.~~
- ~~5. The formal investigation of the allegation begins upon receipt of written notice by the person named. The written notice shall include a copy of the signed allegation and shall invite the person named to respond to the allegation. Where the person named is a member of a bargaining unit, a copy of the signed allegation shall be sent at the same time to the appropriate bargaining agent, and the person named shall be informed that he or she may elect to be represented by the bargaining agent in any of these procedures.~~
- ~~6. The Dean of Research and Graduate Studies shall investigate the allegation promptly, fairly, discreetly, and judiciously, and may call on appropriate experts or other individuals in the course of the investigation.~~
- ~~7. The Dean of Research and Graduate Studies shall proceed with due regard for natural justice, and shall ensure that the person named in the allegation is allowed to know any evidence presented and has ample opportunity to respond to that evidence.~~
- ~~8. The investigation shall conclude with a written report to the Dean of Arts and Science, normally within 60 days of its commencement. The parties may extend the timelines with mutual consent. A copy of the report shall be sent at the same time to the person named in the allegation and to the appropriate bargaining agent if the person is a member of a bargaining unit.~~
- ~~9. If the Dean of Arts and Science holds that clear and convincing evidence of scholarly misconduct (as provided by section II) is not found, the Dean of Arts and Science shall so inform, in writing, the person named in the allegation, and the University shall take reasonable steps to protect and/or restore the reputation(s) and credibility of the person named and of any other person(s) wrongfully implicated during the procedures.~~
- ~~10. If the Dean of Arts and Science holds that there is clear and convincing evidence of scholarly misconduct (as provided by section II), the person named shall be notified, in writing, of the infractions under the policy, with a copy to the appropriate bargaining agent if the person is a member of a bargaining unit.~~
- ~~11. If the Dean of Arts and Science proceeds to take disciplinary action, the person named shall be so notified, in writing, with a copy to the appropriate bargaining agent if the person is a member of a bargaining unit. Penalties for employees may include warning, reprimand, restitution, suspension, or dismissal. Penalties for students may include warning, reprimand, restitution, suspension, debarment or expulsion.~~

- ~~— 12. Upon receipt of written notice of disciplinary action, the person named may appeal to the President, in writing, within seven (7) days. The President shall respond to the appeal, in writing, within fourteen (14) days.~~
- ~~— 13. Discipline imposed under this policy on a member of a bargaining unit is subject to the grievance and arbitration provisions of the applicable collective agreement.~~
- ~~— 14. If the University decides after formal investigation not to proceed against the person named in the allegation, or if an arbitration decides in favour of the person, the University shall remove all documentation relating to the allegation from the person's personnel files or other equivalent files and, except for arbitration reports which shall be retained, shall at the discretion of that person destroy the documentation or transfer it to that person.~~
- ~~— 15. No person who honestly and in good faith makes an allegation or gives evidence in accordance with this policy will be subject to reprisal. An individual making allegations or giving evidence recklessly, maliciously or in bad faith shall be subject to disciplinary action.~~
- ~~— 16. At all times, the University shall take reasonable steps to protect the funds of any external granting/contracting agencies involved. Where required, the University shall notify the relevant funding agencies.~~
- ~~— 17. Allegations regarding behaviour and events prior to the adoption of this policy fall outside the scope of the policy.~~
- ~~— 18. This policy is effective upon approval by the Board of Governors of Trent University.~~
- ~~— 19. This policy, insofar as it affects members of the Trent University Faculty Association bargaining unit, is extended by Article IV.12 of the Collective Agreement between the Board of Governors on behalf of Trent University and the Trent University Faculty Association.~~

~~Dated at the City of Peterborough this 23rd day of May, 1995.~~

~~Amended: December 16, 2002~~